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Attorneys for Plaintiff, United States

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

UNITED STATES OF AMERICA,

Case No. 3:12-cv-02265-SI

Plaintiff,

**JOINT REQUEST FOR CONTINUANCE
OF BRIEFING SCHEDULE**

v.

CITY OF PORTLAND,

Defendant.

I. Local Rule (LR) 7-1 Conferral

Pursuant to LR 7-1, Counsel for all parties conferred and jointly submit this request.

II. Motion

The Parties, by and through their counsel, hereby move for a continuance of the briefing schedule in the above-captioned case for the following reasons.

1. At the end of the day on September 30, 2013, the appropriations act that had been funding the Department of Justice expired and appropriations to the Department lapsed.

2. Absent an appropriation, Department of Justice attorneys working in the Civil Rights Division, including the trial attorneys assigned to this case, were prohibited from working, even on a voluntary basis, except in very limited circumstances, including “emergencies involving the safety of human life or the protection of property.” 31 U.S.C. § 1342.

3. This government shut-down prohibited the trial attorneys at the Civil Rights Division from working on this case, and therefore the Parties have been unable to adequately confer about the pending briefing on this matter. Accordingly, the Parties propose the Court adopt the following revised briefing schedule:

Opening Briefs Due: November 12, 2013

Responses Due: November 25, 2013

Replies Due: December 2, 2013

Oral Argument: December 17, 2013

4. Although the shut-down is over for now, the Parties are all in agreement that a revised briefing schedule is appropriate and desirable to allow the Parties to sufficiently confer, including the necessity for counsel for the United States to confer as necessary both internally, and with the other Parties in this matter upon returning to work.

5. This motion is made in good faith and not for purposes of delay. Counsel for the United States greatly regrets any disruption caused to the Court and the Parties.

Respectfully submitted this 17th day of October, 2013.

Attorneys for Plaintiff, United States:

S. AMANDA MARSHALL United States Attorney District of Oregon <u>/s/ Adrian L. Brown</u> ADRIAN L. BROWN BILLY J. WILLIAMS Assistant U.S. Attorneys	
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Attorneys for Defendant, City of Portland:

Attorneys for Defendant-Intervenor, Portland Police Association:

JAMES H. VAN DYKE CITY ATTORNEY <u>/s/ Ellen Osoinach</u> ELLEN OSOINACH Deputy City Attorney	TEDESCO LAW GROUP <u>/s/ Anil S. Karia</u> ANIL S. KARIA
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Attorneys for Amicus, Albina Ministerial Alliance:

CREIGHTON AND ROSE, PC <u>/s/ J. Ashlee Albies</u> J. ASHLEE ALBIES	CURPHEY & BADGER, P.A. <u>/s/ Shauna Curphey</u> SHAUNA CURPHEY
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